
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TERESA WASSON, an individual, and
WASSON ENTERPRISES, LLC, a Georgia
limited liability company,

Plaintiffs,

vs.

AMERICAN EAGLE INVESTMENT
COMPANY, LLC, a Utah limited liability
company, CLARK R. POWELL, an
individual, and DOUGLAS A. McCLAIN,
an individual,

Defendants.

AMERICAN EAGLE INVESTMENT
COMPANY, LLC, a Utah limited liability
company, and CLARK R. POWELL, an
individual,

Counterclaim Plaintiffs,

vs.

TERESA WASSON, an individual, and
WASSON ENTERPRISES, LLC, a Georgia
limited liability company,

Counterclaim Defendants.

ORDER AND MEMORANDUM DECISION
GRANTING MOTION TO STAY
MAGISTRATE'S ORDER

Civil No. 2:05 CV 655 TC

AMERICAN EAGLE INVESTMENT
COMPANY, LLC, a Utah limited liability
company, and CLARK R. POWELL, an
individual,

Cross-Claim Plaintiffs,

vs.

DOUGLAS A. McCLAIN, an individual,

Cross-Claim Defendant.

AMERICAN EAGLE INVESTMENT
COMPANY, LLC, a Utah limited liability
company, and CLARK R. POWELL, an
individual,

Third-Party Plaintiffs,

vs.

ORLANDO VARGAS, an individual, TARA
ORTEGA, an individual, THOMAS
HOGAN, an individual, BUCKHEAD
FINANCIAL FUNDING, a foreign company,
PARTNERS FUNDING GROUP, a foreign
company, M-TRUST, a group of individual
investors, DIVERSIFIED EXECUTIVE
ENTERPRISES CO., a foreign company;
FORBES COMMERCIAL, INC., an
unregistered Utah corporation, and DANIEL
STARR, an individual,

Third-Party Defendants.

This matter is before the court on American Eagle Investment Co., LLC (“American Eagle”), Clark R. Powell, and third-party intervenor William Arrington’s Motion to Stay Magistrate Judge’s Order Granting Order to Amend and Denying Motion to Quash Prejudgment Writ of Replevin and the parties’ simultaneously filed Objection to Magistrate Judge’s Order Denying Motion to Stay Order and Motion to Quash Prejudgment Writ of Replevin.

This court previously affirmed with slight modifications an order issued by United States Magistrate Judge Brooke C. Wells granting Plaintiffs’ Motion for Prejudgment Writ of Replevin and Assistance. As the record stood at that time, this court’s affirmance was appropriate.

More recently, in an order dated January 25, 2006, Magistrate Judge Wells granted Plaintiffs’ Motion to Amend/Correct Order, which requested certain modifications to enable the sale of the stock that served as the subject of the prejudgment writ of replevin and assistance. At that time, Magistrate Judge Wells also denied American Eagle and Mr. Powell’s Motion to Stay Order as well as Mr. Arrington’s Motion to Quash Prejudgment Writ of Replevin. Having reviewed the objections filed by American Eagle, Mr. Powell, and Mr. Arrington to Magistrate Judge Wells’s latest order, and after holding a hearing on the matter, the court concludes that the record is unclear as to the appropriateness of the sale of stock and therefore GRANTS the Motion to Stay Magistrate Judge’s Order Granting Order to Amend and Denying Motion to Quash Prejudgment Writ of Replevin.

To resolve the dispute concerning the appropriateness of the stock sale, the court orders the parties to simultaneously move this court for injunctive relief and to request their desired remedy. An evidentiary hearing on the requests for injunctive relief is set for Monday, February 27, 2006, at 10 a.m. in Room 230. Briefs, supporting affidavits, and lists of anticipated witnesses will be filed with the court no later than February 23, 2006.

Dated this 9th day of February 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge